

CITY OF MCMINNVILLE
MINUTES OF DINNER MEETING of the McMinnville City Council
Held at the Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 11, 2014 at 6:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Scott Hill	Kellie Menke
	Kevin Jeffries	Alan Ruden
	Larry Yoder	

Also present were City Manager Kent L. Taylor, City Attorney Candace A. Haines, Community Development Director Mike Bisset, Planning Director Doug Montgomery, Fire Chief Rich Leipfert, Parks and Recreation Director Jay Pearson, Police Chief Ron Noble, and a member of the news media, Nicole Montesano of the *News Register*.

DINNER

CALL TO ORDER: Mayor Olson called the Dinner Meeting to order at 6:30 p.m. and welcomed all in attendance.

RESOLUTIONS: Parks and Recreation Director Pearson reviewed the two proposed resolutions which would allow the City to apply for grants related to upgrades at City Park. He explained that one of the grants would be for assistance from the Local Government Grant Program, administered by the State of Oregon, Parks and Recreation Department; and the second proposed resolution would support the grant application for funding assistance from the Federal Land and Water Conservation Fund, also administered by the State of Oregon Parks and Recreation Department.

BRIEF AGENDA REVIEW: Mayor Olson briefly reviewed the other items on the evening's agenda.

EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, Mayor Olson called the Executive Session to order at 6:38 p.m.

City Attorney Haines and Fire Chief Leipfert reviewed the proceedings of the negotiations that occurred during the 3rd year salary opener with the Fire Association. It was explained that only salary could be negotiated during these sessions.

ADJOURN EXECUTIVE SESSION: Mayor Olson adjourned the Executive Session at 6:45 p.m.

Councilor Hill MOVED to approve the 2.7 percent cost of living adjustment (COLA) and the 1.3% salary increase (to bring them to the median of the comparable agencies), effective July 1, 2014; SECONDED by Councilor Menke. Motion PASSED unanimously.

ADJOURN: Mayor Olson adjourned the Dinner Meeting at 6:46 p.m.

Rose A. Lorenzen, Recording Secretary

CITY OF MCMINNVILLE
MINUTES OF REGULAR MEETING of the McMinnville City Council
Held at the Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 11, 2014 at 6:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Scott Hill	Kellie Menke
	Kevin Jeffries	Alan Ruden
	Larry Yoder	Paul May

Also present were City Manager Kent L. Taylor, City Attorney Candace A. Haines, Community Development Director Mike Bisset, Planning Director Doug Montgomery, Fire Chief Rich Leipfert, Parks and Recreation Director Jay Pearson, Police Chief Ron Noble, and a member of the news media, Nicole Montesano of the *News Register*.

AGENDA ITEM

CALL TO ORDER: Mayor Olson called the meeting to order at 7:00 p.m. and welcomed those in attendance.

PLEDGE OF ALLEGIANCE: Councilor Hill led in the recitation of the Pledge of Allegiance.

- 1 PRESENTATION OF THE AIR NATIONAL GUARD'S CITIES OF HONOR PLAQUE BY CAPTAIN ANDY BENEDICT: Captain Benedict thanked the Mayor and Council for the opportunity to be present at the Air National Guard's Cities of Honor Presentation and to represent the City of McMinnville to the Cities of Honor 22nd Viper Wing. The presentation served to recognize the outstanding support that the Air National Guard receives from all Oregon cities. Each of the cities are honored by individual "nose art" that is painted onto an airplane and is also depicted in a plaque. He said that the nose art in honor of McMinnville was painted on plane number 031 and

this plane is dedicated to the City of McMinnville. He advised that the individuals presenting the plaque gave an extensive briefing regarding all of the roles that the Air National Guard fills. He pointed out that they patrol with entire west coast of the United States with F-15s.

Mayor Olson, on behalf of the citizens and the City Council, thanked Captain Benedict and all who have served in the armed forces. He said that the plaque would have an honored place at the City.

INVITATIONS TO CITIZENS FOR PUBLIC COMMENT: Sherl Hill, 2417 NW Alice Kelly Street, stated that she was speaking as a member of the McMinnville Leadership Council. She stated that the McMinnville Leadership Council does not normally take any position of controversy and has not advocated strongly for or against anything until now. However, following a meeting on Thursday, March 6, 2014, the group decided to take a position on the medical marijuana dispensary issue. She stated that they are asking the City Council to consider an amendment of the recently adopted ordinance which would allow medical marijuana dispensaries to operate within the City. The group would like for the City Council to pass legislation that would put a one-year moratorium on medical marijuana dispensaries inside McMinnville's city limits.

Councilor Menke stated that she was surprised that no one spoke against the dispensaries or asked for a moratorium at the February 25, 2014 public hearing that was held on the matter. Ms. Hill agreed that they did not speak at that time and probably should have been better prepared.

Councilor Hill stated that he was very appreciative of the Leadership Council for stepping up and realizing the potential impact of the ordinance. He agreed with Ms. Hill that the Council ought to take this slowly and let others pioneer the way.

Councilor Jeffries responded that he was not present at the February 25, 2014 meeting when the vote was taken and he was disappointed that he could not vote. He hoped that the Council could look at this matter again.

Mayor Olson asked for additional comments regarding medical marijuana dispensaries within the City.

Jim Galba, 524 SW Drumwood Avenue, stated that he owned H2Organics and that he had spoken in favor of the passage of the ordinance at the February 25th public hearing. He pointed out that the public hearing had been originally postponed from the February 11, 2014 scheduled date because of a lack of City Council quorum. That two week period allowed everyone additional time to prepare testimony. He pointed out that not one member of the Leadership Council spoke out at the public hearing. He stated that if the vote is changed, it could constitute an abuse of power.

Yamhill County's over 1,000 medical marijuana patients would most likely not share the same opinion as the Leadership Council and just because the list of members includes citizen like Sheriff Crabtree and Jeb Bladine, the Leadership Council should carry no more weight than those who spoke in favor of the ordinance at the public hearing.

Adam Garvin, 2446 NE Lafayette Avenue, stated that he had spoken at the public hearing on February 25th and that the Leadership Council's letter and comments came as a great surprise. He noted that there is already medical marijuana use in this town and that if someone wants to hold a job and use medical marijuana, they need to find a job that allows that. He pointed out that Chief Noble suggested that the dispensaries be kept away from areas where children frequented and the ordinance does that. He stated he did not know why this matter was again being debated because the Council had already addressed the issue. He noted that there are approximately 1,000 medical marijuana cardholders in Yamhill County, enough to support 5.8 dispensaries. Logistically, in McMinnville, there was only enough room, within the confines of the ordinance, to have three dispensaries. He encouraged the Council to "stick to its guns" and not reopen this matter. He suggested that the City could, through taxing of medical marijuana, raise enough revenue to purchase items, such as fire engines, that are sorely needed.

Jackie Galba, 524 SW Drumwood, spoke in support of the medical marijuana dispensaries. She read from a letter that she had prepared and stated that medical marijuana patients are just regular people who come from many different backgrounds. She pointed out that there are lots of misconceptions about the impact of medical marijuana dispensaries. She stated that Sheriff Crabtree had spoken about Los Angeles and its crime rate. She noted that if the law enforcement people are concerned about people robbing cash from the dispensaries, they should already be concerned about the cash held at the large stores in town. Keeping cash on premise is usually a normal business practice. She advised that she and her husband's store, H2Organics, had never been robbed. She spoke about the abuse of alcohol and cigarettes and pharmaceutical prescriptions that occurs in McMinnville and stated that this is a moral issue and because the Leadership Council does not agree with medical marijuana dispensaries, they want to ban them for everyone.

Mayor Olson spoke to the Council and reminded them that at their last meeting, following the public hearing, the Council had voted on the matter. The vote was tied and he broke the tie. He explained why he had voted in favor of the ordinance. He stated that his judgment was about what he felt was best for the citizens. It was a very difficult decision, but he felt it was necessary. He reminded the Council that this was not a public hearing tonight and that the Council could either let the ordinance stand as passed

or they could ask staff to prepare additional legislation for the Council's March 25, 2014 meeting. At that time, more consideration could be made regarding a second public hearing which could be scheduled for the April 8, 2014 meeting. He asked for comments from the Council.

Councilor Menke stated that there had been two opportunities for people to come forward and express their views, yet no one spoke against the matter. She stated that although she does not personally condone the use of recreational marijuana, she felt very hard pressed not to feel that dispensaries could not be in place. People have voted on this matter and the State of Oregon passed a law that says people who have medical problems may use medical marijuana. She advised that because of this and also because of personal experiences within her family, she hopes to not revisit this matter.

Councilor Hill spoke in favor of looking at the matter again. He stated that for him, it was a moral standard. He had spent nine years on a non-profit anti-drug/alcohol board helping to educate about the effects of drugs and alcohol. He stated that he truly feels marijuana is a gateway drug.

Councilor Jeffries stated that he felt it was more of a legal issue in that the use of marijuana is against federal law. He stated that he swore to uphold the constitution and could not, in good conscience, break federal law. He would like to look at this matter again and would encourage a moratorium to see what happens in the next year.

Councilor Ruden asked for clarification and whether the Council was looking to negate the ordinance and start over. He stated he was concerned about the Council's ability to do that.

City Attorney Haines explained that a motion for reconsideration could be made by one of the Councilors who had originally voted in favor of the ordinance. She also pointed out that any of the Councilors could ask to start the process anew.

Councilor Ruden stated that he had a problem of revisiting the matter, whether he agreed with the decision or not. The Council went through the process and voted in favor of the ordinance. There really needs to be good reason to change. He did not see any good reason to do so.

Councilor Yoder asked what the repercussions could be by not passing a moratorium and that problems could arise. He stated that if the Council would like to revisit the issue, he would not stand in the way; but that he was really struggling with the fact that he did not see what the Council was gaining by not approving the dispensaries. He stated that medical marijuana is going to be bought and sold in McMinnville whether the Council approves of it or

not and enacting a moratorium would not change anything. He stated that he had not heard enough information that would change his mind.

Councilor Hill proposed that the Council look into further action and discussion with a one year ban on the existing ordinance.

Councilor Menke suggested that the Council stand with what is in place. He stated that the ordinance restricts sales to certain areas and times and did not see what a year's moratorium would accomplish.

Councilor Ruden agreed that the Council should stay with the decision it had made.

Councilor Jeffries stated he felt the matter needed more discussion.

Councilor Yoder stated that he felt the ordinance that was in place was a good ordinance and saw nothing wrong with it.

Mayor Olson stated that after the Council had discussed the matter, the consensus was to not take further action and they would not ask staff to prepare any further legislation.

Jason Lett, 4800 Hawn Creek Road, stated that he was in attendance to commend the Council on its wonderful letter of January 27, 2014 to the Yamhill County Board of Commissioners that expressed disappointment regarding the Board's decision on the land use matter involving Waste Management's zone change. He stated that as a member of the wine community and as President of the International Pinot Noir Celebration (IPNC), he thanked the Council. He stated he hoped that as this matter moved forward to the Land Use Board of Appeals (LUBA), the City would join with the winery association, the IPNC, and others to oppose the landfill. He stressed the importance of the landfill matter.

Marcus Goodfellow, 835 NW Hembree, stated that he was in agreement with Mr. Lett's comments. He stated that people are truly becoming aware of the importance of the area's wine industry and he did not believe that a landfill was what people wanted to see when they came to town. He pointed out that McMinnville's tourism industry is growing and he congratulated Nick's Italian Café for recently being chosen for the James Beard award for its durability. He asked the Council to continue its support of their cause against expansion of Riverbend Landfill and the County's recent approval of Waste Management's zone change request.

Ramsey McPhillips, 13000 McPhillips Road, thanked the Council for the opportunity to further discuss the matter

of the landfill. Mr. McPhillips distributed information regarding Riverbend's inclusion on Metro's list of designated landfill facilities, a 1995 letter to the Yamhill County Board of Commissioners from Mr. McPhillips, and additional information regarding the costs associated with solid waste transportation and disposal services. He pointed out that Columbia County has been sending its garbage to Riverbend until recently. They have now contracted with the Coffin Butte landfill because the costs associated with transporting to Coffin Butte as so much less expensive than dumping at Riverbend.

He asked the City Council to join with him and others in their lawsuit against Waste Management. He asked them to do more than write a letter, because even though it was an excellent letter, it had no effect. He encouraged the Council to enter into a lawsuit with him and to also contact Metro to ask them to not increase their garbage capacity here.

In response to Councilor Ruden's inquiry, Mr. McPhillips explained that in order for Riverbend to receive Metro's garbage, Metro had to begin regulating its garbage and had to designate which landfill the refuse would be shipped. He stated that Yamhill County does not receive any tipping fees; Metro gets the fees, which constitute very large sums of money. Metro stated when they designated the landfill that if Yamhill County has a problem, Metro would let them bring it forward. He encouraged the Council to pass an ordinance that states McMinnville will no longer send garbage to a new or expanded landfill in the state.

Following extensive discussion, the Council advised that while they would not want to enter into a lawsuit against Yamhill County, they liked the idea of writing to Metro and that they needed to continue to be proactive and express their opinion regarding Riverbend.

Mayor Olson thanked Mr. Lett, Mr. Goodfellow, and Mr. McPhillips for their thoughtful comments.

2

OLD BUSINESS

2 a

PRESENTATION BY McMINNVILLE DOWNTOWN ASSOCIATION COMMITTEE FOR PUBLIC ART (MDACPA) CHAIRMAN STEVE RUPP: MDACPA Chair Rupp gave the Committee's annual report to the City Council. He noted that they had completed two projects in 2013 and have been working on others, including the Yamhill County Transit Center on Second Street. He stated that he had also been in contact with people from the Confederated Tribes of Grand Ronde about an art piece that would represent their tribe and culture. A new piece, Conical Etude 4 by Richard Nash, will be placed in the very near future. The concrete pad has been poured and is now dry. This piece will be located in City Park near the Library. The Committee is also putting together a new walking map that will highlight the art pieces in the City. Mr. Rupp

thanked the City Council for its support of the arts and the MDACPA.

3 NEW BUSINESS

3 a DISCUSSION REGARDING FIRE DEPARTMENT VEHICLE PURCHASE PLAN: Fire Chief Leipfert explained that the Department currently has a fleet of seven apparatus, four of which have reached the end of their life-spans. One of the apparatus, a 1980 Seagraves ladder truck, is a critical component of the fire-fighting fleet and is important to the City's ISO ratings. The ladder truck has significant issues and cannot hold a grown male on its tip, let alone someone who needs to use flowing water and/or rescue someone. Additionally, its hydraulics continue to fail and although they have manufactured parts for replacement, they cannot purchase new ones.

Chief Leipfert also discussed the 1990 engine, Engine 16. He noted that the front-mounted pump is close to failure and a new pump cannot be purchased. Additionally, Engine 17, purchased in 1974 is at the end of its life expectancy. He stated that the Department purchased the 1985 Water Tender used for \$20,000 approximately ten years ago. He stated that he would like to purchase another used water tender to replace the 1985 model.

He stated that from the quotes he has received, the above apparatus could be purchased for approximately \$1.2 million which could be paid back over a 15-year period. He referred to Finance Director Baragary's memorandum which further describes funding options. He asked the Council to authorize staff to move forward with determining the best funding strategy that does not impact bond ratings and bring an agreement back to the Council for approval at a later date.

Following a brief discussion, the Council, by consensus, agreed that staff should move forward on the replacement plan.

4 RESOLUTIONS

4 a SUPPORTING THE CITY'S APPLICATION FOR FUNDING ASSISTANCE FROM THE FEDERAL LAND AND WATER CONSERVATION FUND ADMINISTERED BY THE STATE OF OREGON, PARKS AND RECREATION DEPARTMENT: Parks and Recreation Director Pearson advised that two grants were open for application through the State of Oregon. One of the grants is for federal funds, through its land and conservation fund, and the other grant is for local government grant funds. He advised that his Department has used both in the past.

Mr. Pearson further explained that the resolutions are required for the grant process because the resolutions will provide assurance that the parks and the amenities will be maintained over time.

Mr. Pearson discussed the projects that could be undertaken at City Park if both grants were awarded. Projects included security cameras to watch over the shelter and other high vandalism areas, rebuilding the kitchen, new foot paths, and the addition of asphalt walkways to improve handicap accessibility. He added that the required matching funds could be sourced from three areas - the Nice Family Trust, insurance proceeds from the burned shelter, and a small amount from the Park Development Fund.

Councilor Menke MOVED to adopt Resolution No. 2014-5 supporting the City's application for funding assistance from the Federal Land and Water Conservation Fund administered by the State of Oregon, Parks and Recreation Department; SECONDED by Councilor Ruden. Motion PASSED unanimously.

4 b SUPPORTING THE CITY'S APPLICATION FOR FUNDING ASSISTANCE FROM THE LOCAL GOVERNMENT GRANT PROGRAM ADMINISTERED BY THE STATE OF OREGON, PARKS AND RECREATION DEPARTMENT:
Councilor Jeffries MOVED to adopt Resolution No. 2014-6 supporting the City's application for funding assistance from the Local Government Grant Program administered by the State of Oregon, Parks and Recreation Department; SECONDED by Councilor Hill. Motion PASSED unanimously.

5 ADVICE / INFORMATION ITEMS

5 a and b REPORTS FROM COUNCILORS ON COMMITTEE AND BOARD ASSIGNMENTS AND DEPARTMENT HEAD REPORTS: Because of the lateness of the hour, no reports were heard.

6 ADJOURNMENT: Mayor Olson adjourned the Regular Meeting at 9:16 p.m.

Rose A. Lorenzen, Recording Secretary